

REMARKS

A. Objection to Claims

In the Office Action of June 9, 2004, claims 2, 4 and 5 were objected to for informalities. In particular, claim 2 was objected to for the use of the phrase “and/or or.” In view of the cancellation of the second occurrence of “or” in the phrase, the objection has been overcome and should be withdrawn.

Since the cancellation of “or” is correcting an obvious typographical error, the amendment is not related to patentability as defined in *Festo Corporation v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd*, 234 F.3d 558, 56 USPQ2d 1865 (Fed. Cir. 2000) (*en banc*), *overruled in part*, 535 U.S. 722 (2002).

Claim 4 was objected to for the use of the phrase “the transmission of during.” In view of the cancellation of the word “of”, the objection has been overcome and should be withdrawn.

Since the cancellation of “of” is correcting an obvious typographical error, the amendment is not related to patentability as defined in *Festo*.

Claim 5 was objected to for the use of the word “viz.” In view of the cancellation of the word “viz.”, the objection has been overcome and should be withdrawn.

Since the cancellation of “viz.” is correcting an obvious typographical error and broadens the claim, the amendment is not related to patentability as defined in *Festo*.

B. 35 U.S.C. § 112, Second Paragraph

Claims 1-16 were rejected under 35 U.S.C. § 112, second paragraph, for being indefinite. In particular, claim 1 was rejected because the phrase “a dedicated server” was unclear in meaning. Applicants traverse the rejection because the phrase is clear in meaning. One of ordinary skill in the art would understand that “dedicated” is simply used in the conventional sense within the field of computer science and technology, namely as pertaining to or being a device, program or procedure devoted to a single task or function. Accordingly, the claimed “dedicated” server simply means in the context of the claim that the server is devoted to the method in the transmission as set forth in the introduction of claim 1 and not used for other methods. Since the context refers to transmission of data in a communication network, the meaning of server here of course is a computer (or program), for example, that responds to commands from a client.

In contrast, on the Internet and other shared network resources, servers can be general and there is no inherent relationship between the server and the client. A general server on the Internet may for instance be a file server in which case it shall store data program files that upon submission of a request from a client can be transferred to the latter, in which case of course there are no bounds on the types of files data or software that is stored in the server, and the clients may range over all possible users of the shared network resource.

Since it has been shown that the phrase “a dedicated server” is clear in meaning, the rejection of claim 1 is improper and should be withdrawn.

Claims 1 and 3 have been rejected for failing to have proper antecedent basis for “the specific process.” Claims 1 and 3 have been amended so that the first occurrence of the phrase “the specific process” now reads as “a specific process.” Since there is proper antecedent basis for the latter phrase “the specific process,” the rejection has been overcome and should be withdrawn.

Claims 1 and 3 have been rejected because the use of the words “specific” and “specifically” in the phrases “the specific processing” and “processing a file (the files – claim 3) specifically for one or more users” implies that the words are related to one another. One of ordinary skill would recognize that they are not in that the word “specific” is being used as an adjective while “specifically” is being used as an adverb. Since the words are not related to one another in the context of the claim, the rejection is improper and should be withdrawn.

Claims 1 and 3 were rejected because it was unclear what was being performed “consecutively.” Applicants traverse this rejection. The word “consecutively” is obviously being used as an adverb and so further the verb associated with it. Since one of ordinary skill would easily understand the context of each use of “consecutively” and the associated verb, the rejection is improper and should be withdrawn.

Claims 2 and 3 have been rejected because the phrase “and/or interfoliated realized steps” is unclear in meaning. Applicants traverse this rejection in that the phrase in conjunction with the earlier phrase “consecutive or approximately simultaneous” clearly means to one of ordinary skill in the art that the two or more of the processes recited after the phrase can be performed consecutively, simultaneously and/or interfoliated with the preceding step, i.e. the method shall alternate between a preceding and a succeeding step. Since the phrase is clear in meaning, the rejection is improper and should be withdrawn.¹

Despite the impropriety of the rejection, claim 2 has been amended to delete “characterized,” the brackets and the phrase “consecutive or approximately simultaneous and/or or interfoliated realized steps for.” In addition, claim 3 has been amended to delete the brackets and replace the phrase “is characterized by comprising consecutive or approximately simultaneous and/or interfoliated realized steps for” with “comprises.” Since the offending language has been canceled, the rejection should be withdrawn.

¹ It is noted that the rejection refers to line 15 of claim 3 as containing the offending phrase. However, a review of the substitute specification filed on May 4, 2001 shows that the offending phrase is located at lines 15-16. If this means that the Examiner is using the original specification and not the substitute specification for his baseline, then Applicants protest this and demand that the substitute specification be the basis for all future actions so that there is consistency in the examination of the application. After all, a substitute specification is filed in order to aid the Examiner and provide a common point of interest from which to examine Applicants’ invention.

Since the amendments do not limit the processes from being performed consecutively, simultaneously and/or interfoliated, the amendments broaden or do not change the intended meaning of claims 2 and 3 and so are not being made for reasons of patentability as defined in *Festo*.

Claim 4 was rejected in that it was unclear how the recited “a resource address and an access code” related to the context of the claim. Claim 4 has been amended to recite that the “resource address” and the “access code” are associated with the server. Since the phrases are properly related to the context of the claim, the rejection has been overcome and should be withdrawn.

C. **35 U.S.C. § 103**

1. **Claims 1 and 3**

Claims 1 and 3 were rejected under 35 U.S.C. § 103 as being obvious in view of Bramhill et al. (misspelled throughout Office Action as Pramhill et al.), Frasse and Abe et al. below. Applicants traverse this rejection for several reasons. First, the substance of the rejection refers to Bramhill et al. and does not refer to Frasse and Abe et al. Accordingly, it appears that Frasse and Abe et al. are not being relied on to reject claims 1 and 3. If this is not the case, then Applicants demand that this be corrected in the next Office Action and that a detailed explanation as to how Frasse and Abe et al. are being

relied on to reject the claim be made.

The rejection is improper for the additional reason that claims 1 and 3 each recite transmission of a file with data between a sender and a user via a “dedicated server provided in or assigned to the data communications network.” Claims 1 and 3 further recite that the file is processed “specifically for one or more users with user specific application software for one or more applications under determined conditions” wherein the specific process is performed by the software at either the dedicated server during transmission or at the receiver during or after receipt of the file. The claimed software is stored at either the sender, the server or the receiver and is transmitted prior to or in phase with the processing to an actual processing location. In contrast, Bramhill et al. discloses a method for copy-protecting data sent from a server to a client for presentation to a user. Bramhill et al.’s method includes cryptographically protecting its data, sending the cryptographically protected data to a client and selectively controlling copying functions of the client in respect of the data, while the data is held by the client in a form suitable for presentation for the user. To this end, the server downloads a program object, i.e. a Java, Active X or OLE applet, to a client. The applets are embedded as program objects in HTML documents on the World Wide Web and not stored in a server or receiver as asserted on page 5 of the Office Action. The applets can be regarded as a small piece of code that can be transported over the Internet and executed on the recipient’s machine.

At the user end, i.e. fig. 9 of Bramhill et al., it is simply now activated for the file sent and then the embedded file is decrypted with a decryption algorithm and key that were downloaded with the applet. The applet is downloaded in the form of bytecodes upon a separate request run on the client's computer, and then the copyright-protected (BTC) file is requested and downloaded with the applet as shown in fig. 6 of Bramhill et al. However, the applet of course is still embedded as stated and it can only be run under the client's computer by using a suitable interpreter within the browser window of the client's computer, see page 10, lines 22-26 of Bramhill et al. Once the applet is enabled, the applet performs the function of preventing or restricting a user from copying or saving any of the data associated with the HTML document.

In summary, the program object is embedded in the document itself and is not stored at either a sender, a server or a receiver as required by claims 1 and 3. It has been found by the inventors that instead of relying on a general information service provider and general servers operating on the Internet for application or user specific processing of information contained in documents requested by a client, it is much more efficient and reliable to use a dedicated server, for example, to this purpose.

The rejection is improper for the additional reason that Bramhill et al. fails to disclose a dedicated server as recited in claims 1 and 3. One of ordinary skill would

understand that the dedicated server recited in claims 1 and 3 is dedicated to performing the recited user application software. The Office Action relies on Bramhill et al.'s server 1 as being a dedicated server. However, server 1 is a web server and is not designed to perform user application software. Since there is no suggestion in Bramhill et al. to use a dedicated server as recited in claims 1 and 3, the rejection is improper and should be withdrawn.

The rejection is improper for the additional reason that Bramhill et al. does not disclose using a user specific application as recited in claims 1 and 3. One of ordinary skill in the art would understand a user specific application to be a use to which an information processing system is put and such use must be related to the end user's need for putting the data received by the information processing system to a specific purpose. The Office Action relies on Bramhill et al.'s Java enabled web browser as being a user specific application. This reliance is incorrect to say the least since neither Netscape nor Microsoft Explorer is a user application, but a web viewer (or client) application. Even more incorrect is to equate an individual encryption and hashing keys downloaded in a Java byte codes with user specific software. These are individual keys specific to a client provided the server in Bramhill et al. and have the identity of the client and is of course, used to improving security. It is evident that such keys must be specific for the user unless anyone could be able to decrypt the encrypted data.

In summary, Bramhill et al. is not concerned with user specific applications and if his users have any such in mind, it is his stated object to prevent the user from any further exploitation of the data downloaded for display. As such the encryption/decryption of Bramhill et al., whether being executed by applets or not, cannot readily be equated with compression coding/decoding although it is evident that the processing for the user specific application must take place on data in their decoded and decrypted form. Neither can the processing for decryption or decoding be equated with the user application or application specific processing.

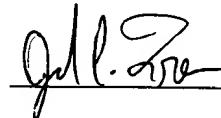
2. Claims 2 and 4-16

Claims 2 and 4-16 were rejected under 35 U.S.C. § 103 as being obvious in view of Bramhill et al., Frasse and Abe et al. Claims 2 and 4-16 depend directly or indirectly on claim 1 or claim 3. Neither Frasse nor Abe et al. suggest altering Bramhill et al. to either 1) store user specific application software at either the sender, the server or the receiver and is transmitted prior to or in phase with the processing to an actual processing location, 2) use a dedicated server or 3) use a user specific application. Since neither Frasse nor Abe et al. cure the deficiencies of Bramhill et al. pointed out above in Section C.1 with respect to claims 1 and 3, the rejection is improper and should be withdrawn.

CONCLUSION

In view of the arguments above, Applicants respectfully submit that all of the pending claims 1-16 are in condition for allowance and seeks an early allowance thereof. If for any reason, the Examiner is unable to allow the application in the next Office Action and believes that an interview would be helpful to resolve any remaining issues, he is respectfully requested to contact the undersigned attorneys at (312) 321-4200.

Respectfully submitted,



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Dated: November 9, 2004